

JOSEPH P. RUSSONIELLO, CSBN 44332
United States Attorney
JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
Chief, Civil Division
MELANIE L. PROCTOR, CSBN 228971
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6730
FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAJVINDER SINGH,
Plaintiff,
v.

No. C 07-4772 JW

MICHAEL CHERTOFF, Secretary of
Homeland Security; EMILIO T. GONZALES,
Director of the U.S. Citizenship and Immigration
Services; ROSEMARY MELVILLE, District
Director, U.S. Citizenship and Immigration
Services; FRANCIS D. SICILIANO, Officer in
Charge of the San Jose Office of the U.S.
Citizenship and Immigration Services,
Defendants.

**STIPULATION TO TRANSFER
PROPOSED ORDER**

This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of Tracy, California, alleges that he attended an interview on his naturalization application on November 15, 2004, but the application remains adjudicated.

Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination 120 days or more after the date of a naturalization examination, the applicant may apply to the United States District Court for the district in which the applicant resides for a hearing on the matter.

Tracy, California is located in San Joaquin County, in the Eastern District of California. 28 U.S.C.

§ 84(a). Accordingly, venue for this action is proper in the Eastern District, but not in this District.

The parties to this action, by and through their attorneys, hereby stipulate and request of the Court that this action should be transferred to the Eastern District of California pursuant to 28 U.S.C.

§ 1406(a). Section 1406(a) provides:

The district court of a district in which is filed a case laying in venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

Because venue is proper only in the Eastern District, the parties believe that the interests of justice require that this action be transferred to the United States District Court for the Eastern District of California.

Dated: January 28, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

Dated: January 28, 2008

/s/
KANWAL M. SINGH
Attorney for Plaintiff

ORDER

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Eastern District of California, the judicial district in which this case should have been brought. IT IS SO ORDERED.

Date:

JAMES WARE
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.